

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Status of the Claims

In the present Amendment, 13, 16 and 22 are amended. Previously, claims 1-12, 14-15, 17-21, 23-26 and 35 were canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 13, 16, 22 and 27-34 are pending in the present application.

No new matter has been added by way of these amendments, because each amendment is supported by the present specification. For example, the amendments to claim 13, 16 and 22 are supported in the specification at, e.g., page 60, line 16 and are otherwise editorial in nature. The amendment to claim 13 is also supported at page 9 and 13, lines 12-13 of the present specification.

Based upon the above considerations, entry of the present claim amendments is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 101

Claims 16, 22, 29, 30 and 32-34 stand rejected under 35 U.S.C. § 101 as stated in paragraph 6, page 3 of the Office Action. Applicants respectfully traverse and respectfully refer

the Examiner to independent claims 16 and 22 as presented herein. As can be seen, the Examiner's suggestion has been adopted, and the term "isolated" or "cultured" has been inserted into the appropriate claim. Thus, it is believed that this rejection has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 112, First Paragraph (Written Description)

Claims 13, 16, 22, 24-27, 29, 31, 32, 34 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of written description (as stated in paragraphs 8-9 of the Office Action). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

Applicants first respectfully refer the Examiner to page 4, lines 9-12 of the Office Action. Second, Applicants respectfully refer the Examiner to claims 13, 16 and 22 as presented herein, wherein the hybridization partner is isolated from a murine cell. Thus, Applicants respectfully submit that this rejection has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. 112, First Paragraph (Enablement)

Claims 13, 16, 22, 24-27, 29, 31, 32, 34 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of written description (as stated in paragraph 10 of the Office Action). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested.

Again, Applicants first respectfully refer the Examiner to page 5, lines 1-3 of the Office Action. Second, Applicants respectfully refer the Examiner to claims 13, 16 and 22 as presented herein, wherein the hybridization partner is recited as being isolated from a murine cell. Thus, Applicants respectfully submit that this rejection has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 102(a)

Claims 13 and 27-28 stand rejected under 35 U.S.C. § 102(a) for being anticipated by Nagasawa et al. (PNAS 93:14725-29, 1996) (see paragraphs 14-15 of the Office Action). Applicants respectfully traverse.

The Office Action in paragraph 15 states that claims directed to methods of producing the cells are allowable over the disclosure of Nagasawa. In this regard, Applicants respectfully refer the Examiner to the scope of claim 13 as presented herein (claims 27 and 28 depend on claim 13). Claim 13 recites such a method. Thus, Applicants respectfully submit that this rejection has been overcome in that Nagasawa fails to disclose all instantly claimed features. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present

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application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 12, 2005

Respectfully submitted,

By 

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